**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4595**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrison

Document Path: l:\council\bills\ms\7683ahb10.docx

Companion/Similar bill(s): 3161

Introduced in the House on February 18, 2010

Currently residing in the House Committee on **Ways and Means**

Summary: Family Court

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/18/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-18-10.docx)‑16

2/18/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\02-18-10.docx)‑16

**VERSIONS OF THIS BILL**

[2/18/2010](file:///p:\pprever\2009-10\4595_20100218.docx)

**A** **BILL**

TO AMEND SECTION 8‑21‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MOTION FEES IN THE COURT OF COMMON PLEAS AND FAMILY COURT, SO AS TO INCREASE THE MOTION FEE FROM TWENTY‑FIVE DOLLARS TO SEVENTY‑FIVE DOLLARS; TO AMEND SECTION 14‑1‑204, AS AMENDED, RELATING TO FILING FEES FOR COMPLAINTS OR PETITIONS IN CIVIL ACTIONS, SO AS TO CREATE A SECOND ADDITIONAL FEE OF ONE HUNDRED FIFTY DOLLARS TO BE ALLOCATED TO THE JUDICIAL DEPARTMENT; AND TO AMEND SECTION 22‑3‑340, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE FILING FEE ON SUMMONS AND COMPLAINT FILINGS AND ALL OTHER CIVIL FILINGS IN MAGISTRATES COURT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 8‑21‑320 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of ~~twenty‑five~~ seventy‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section ~~shall~~ must be distributed by the State Treasurer in the following manner:

(1) the first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds ~~shall~~ must be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts; and

(2) any remaining funds must be transferred to the judicial department for operating purpose s.”

SECTION 2. Section 14‑1‑204 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) There is added to the fee imposed pursuant to Section 8‑21‑310(11)(a) a second additional fee of one hundred fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the judicial department.”

SECTION 3. Section 22‑3‑340 of the 1976 Code, as added by Act 353 of 2008, is further amended to read:

“Section 22‑3‑340. An assessment equal to ~~twenty‑five~~ fifty dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to ~~ten~~ twenty dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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